

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES S. LONGSHORE,

Plaintiff,

V.

ROBERT HERZOG, et al.,

Defendants.

CASE NO. C16-5629BHS

ORDER DENYING PLAINTIFF'S
OBJECTIONS AND MOTION
FOR RECONSIDERATION

This matter comes before the Court on Plaintiff Charles Longshore's

(“Longshore”) objections and motion for reconsideration of order denying motion to appoint counsel (Dkt. 15).

On August 10, 2016, the Honorable J. Richard Creatura, United States Magistrate Judge, denied Longshore’s motion to appoint counsel. Dkt. 11. Judge Creatura concluded that it was “not possible to determine plaintiff’s likelihood of success at this point in the litigation” and that there were “no exceptional circumstances compelling the Court to appoint counsel at this time.” *Id.* at 2. On August 12, 2016, Longshore filed the instant motion objecting to and requesting reconsideration of Judge Creatura’s order. Dkt. 15.

1 When reviewing objections to an order on a nondispositive issue, the district judge
2 in the case must consider timely objections and modify or set aside any part of the order
3 that is clearly erroneous or is contrary to law. Fed. R. Civ. P 72(a).

4 In this case, Longshore has failed to show that Judge Creatura's order is clearly
5 erroneous or contrary to law. Although Longshore disagrees with the order, nothing
6 prevents appointment of counsel if circumstances become exceptional or Longshore
7 shows a greater likelihood of success on the merits. Therefore, the Court **DENIES**
8 Longshore's motion.

9 **IT IS SO ORDERED.**

10 Dated this 19th day of September, 2016.

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BENJAMIN H. SETTLE
United States District Judge
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